

Arizona State Board of Homeopathic and Integrated Medicine Examiners

Minutes of the Regular Meeting

July 12, 2011

I. Call to Order, Roll Call

Presiding officer, Dr. Todd Rowe, called the meeting to order at 9:05 a.m.

Roll Call

Present:

Absent:

Todd Rowe, MD, MD(H)
Alan Kennedy (present by telephone)
Don Farris
Martha Grout, MD, MD(H)
Mary Ackerley, MD, MD(H)
Dr. Les Adler, MD, MD(H)

Christine Springer, Executive Director and Mona Baskin, Assistant Attorney General and members of the public were also present.

II. Review, Consideration, and Action on Minutes

Regular Meeting Minutes – March 8, 2011

The Board reviewed and discussed the minutes. Dr. Grout made a motion to approve the minutes as written. Dr. Ackerley seconded the motion that passed with a majority vote. Mr. Kennedy abstained.

Executive Session Minutes – March 8, 2011

Dr. Rowe noted his recusal from consideration of the executive session minutes. Dr. Grout moved to approve the executive session minutes of March 8, 2011. Dr. Ackerley seconded the motion that passed with a majority vote. Mr. Kennedy abstained.

Regular Meeting Minutes – May 10, 2011

Dr. Adler moved to approve the minutes of May 10, 2011. He requested that the minutes reflect the correct meeting date since the agenda indicated an incorrect date of May 12, 2011. With this correction, Dr. Grout seconded the motion that passed with a majority vote. Mr. Kennedy and Mr. Farris abstained.

Special Teleconference Meeting – June 10, 2011

Dr. Grout made a motion to approve the minutes. Mr. Farris seconded the motion that passed unanimously.

Special Teleconference Meeting Executive Session Minutes – June 10, 2011

Dr. Adler moved to approve the executive session minutes. Dr. Grout seconded his motion that passed unanimously.

III. Review, Consideration and Action on Applications

A. Physicians

Kathryn Slaine Saluski, M.D.

Dr. Rowe recused himself from consideration of this agenda matter and Dr. Grout conducted the discussion.

Following a review of the applicant's credentials by Mrs. Springer, Dr. Slaine-Saluski was interviewed by board members. Noting that Dr. Slaine-Saluski met all of the application requirements and had successfully passed the written examination, Dr. Adler made a motion to approve the applicant's request for a homeopathic medical license. Dr. Ackerley seconded the motion that passed with a majority vote.

Dr. Rowe recused.

Seema Rao, M.D.

Board members welcomed Dr. Rao and conducted their oral interview. Dr. Rao stated she was currently in practice in New Jersey and intended to offer homeopathic care in that state. Dr. Adler made a motion to approve the application noting that the applicant met requirements and had successfully passed the written examination. Dr. Ackerley seconded the motion that passed unanimously.

B. Medical Assistants

Dr. Rowe recused himself from consideration of all but one of the medical assistant applications (Soila Vasquez).

Dr. Grout chaired this portion of the meeting and requested that Mrs. Springer provide a review of the applicant's credentials. Following the review, Mr. Farris made a motion approving the following applicants:

Carli Auer, Raffaele Conca, Michelle Davidson, J.J. Haza, Cheryl Tichnor, and Cynthia Toschik

Dr. Adler seconded the motion that passed with a majority vote.

Dr. Grout, Dr. Adler, Dr. Ackerley and Mr. Farris - Aye

Mr. Kennedy abstain

Dr. Rowe recused

Dr. Rowe returned to the podium and the Board reviewed the application for medical assistant submitted by **Soila Vasquez**. Following an overview provided by the executive director, Dr. Grout made a motion to approve the application. Dr. Ackerley seconded the motion that passed with a majority vote.

Mr. Kennedy abstained

IV. Review, Consideration and Action on Previous Board Orders

Charles Crosby – Quarterly report

Following a review of the quarterly report submitted by Dr. Crosby, the Board found Dr. Crosby to be In compliance with the terms of the Board's Consent Agreement and Order.

V. Review, Consideration and Action on Complaints and Investigations

A. Review, Discuss – Tracking Log Notification of New Complaints, Inquiries Filed

Case No. 11-05 Stefanie Workman, MD, MD(H)

The Board reviewed Mrs. Springer's report concerning this case and considered whether to cede the investigation to the Arizona Medical Board. Dr. Grout moved to approve jurisdiction of the Arizona Medical Board to conduct the investigation. Mr. Farris seconded her motion that passed unanimously.

Roll call: 6 – 0: Jurisdiction to Arizona Medical Board

Kennedy, Farris, Grout, Adler, Rowe, Ackerley

Case No. 11-07 Constantine Kotsanis, MD(H)

Mrs. Springer reviewed the facts of the action taken by the Texas Medical Board against Dr. Kotsanis' allopathic medical license. Dr. Rowe commented that the case involved advertising and under the laws of the Homeopathic and Integrated Medicine Board the advertisement would not have been inappropriate. Board members also reviewed the current language Dr. Kotsanis had submitted to the Texas Board that was found compliant with their guidelines.

Dr. Adler made a motion to decline opening a separate investigation and to close the review. Dr. Ackerley seconded the motion that passed unanimously.

Roll call: 6 – 0: Decline to open a separate investigation

Kennedy, Farris, Grout, Adler, Rowe, Ackerley

Case No. 11-06 Edward Gogek, MD, MD(H)

With regard to this case number, Dr. Rowe clarified that he would not recuse in the matter noting that Dr. Gogek is no longer on faculty at the American Medical College of Homeopathy.

Mrs. Springer presented her report concerning the notification received from Cenpatico concerning the doctor's credentialing. Dr. Grout moved to grant jurisdiction to conduct the investigation to the Arizona Medical Board. Mr. Farris seconded the motion that passed unanimously.

Roll call: 6 – 0 Jurisdiction to Arizona Medical Board

Kennedy, Farris, Grout, Adler, Rowe, Ackerley

B. Ongoing Cases

Case No. 10-08 David Korn, DO, MD(H) – Status Update and

Case No. 10-02 David Korn, DO, MD(H) – Status Update

Mrs. Springer stated that both of these cases; previously tabled by the Homeopathic Board and investigation ceded to the Arizona Board of Osteopathic Examiners, have been placed on the Osteopathic Board's July 30, 2011 agenda for review and possible action.

Case No. 10-10 Edward Kondrot, MD, MD(H)

Mrs. Springer informed the Board that repayment of the unused portion of the follow-up office visits had been made to the complaint, L.S. and that she was awaiting a copy of the check showing payment was received.

Mr. Farris moved to close the investigation pending receipt of proof the check had been received by L.S.. Dr. Adler seconded the motion that passed unanimously.

Roll call: 6 – 0 Close the review and dismiss the complaint

Kennedy, Farris, Adler, Grout, Rowe, Ackerley

(This matter was considered out of the published order of the agenda. The discussion began at 9:35 a.m.)

Case No. 11-02 Edward Gogek, MD, MD(H)

Dr. Rowe recused himself from the discussion noting he had been recused when the original decision to cede jurisdiction to conduct the investigation to the Arizona Medical Board had been made.

Mr. Kennedy abstained and commented he had been absent when the original decision had been made.

Dr. Grout chaired the discussion and recognized Mr. Stephen Myers, Dr. Gogek's attorney, who was present and wished to address the Board.

Mr. Myers referenced his letter to the Board requesting they reconsider their original decision ceding jurisdiction to conduct the investigation. He commented that the method of treatment his client used in treating the complainant was homeopathic and he directed Board member's attention to letters included with his request that were from two respected homeopathic physicians in which they attest to this. He noted that the treatment of fibromyalgia in this instance, was homeopathic in nature because of the type of laboratory tests used to establish the basis for treatment.

Mr. Farris made a motion to adjourn to **executive session** for legal advice pursuant to A.R.S. §38-431.03(A)(3) at 9:45 a.m. Dr. Grout seconded the motion that passed with a majority vote. Mr. Kennedy did not attend the executive session and he disconnected his telephone. Dr. Rowe was also not present in the executive session.

The Board returned to the regular session at 9:55 a.m.

Mr. Farris made a motion denying the request for reconsideration. Dr. Adler seconded the motion that passed with a majority vote.

Roll call to deny the request to reconsider the Board's original motion ceding jurisdiction to the Arizona Medical Board

4 – 0 Adler, Farris, Grout, Grout

Kennedy abstain

Rowe recused

Case No. 11-03 Frank Lobacz, MD(H)- Status Update

Mrs. Springer reaffirmed that Dr. Lobacz is awaiting sentencing and remains incarcerated in New York. Assistant Attorney General Baskin noted that the Minute Entry in the docket must be obtained before action can be taken. Without sentencing final judgment is not complete. Mrs. Springer stated she would continue monitoring the progress of the federal case.

(The discussion concerning Case 11-04 followed Agenda Matter V., Section B, Case 11-02 and began at 10:12 a.m.)

Case No. 11-04 Stanley Olsztyn, MD(H)

(Mr. Kennedy rejoined the meeting by telephone.)

Mrs. Springer provided a brief overview of the case for board members. She stated that information uncovered by the medical consultant indicates the investigation should be expanded to include a review of additional medical records of other individuals that received intravenous colchicine therapy the same day as the original complainant, E.D.

Dr. Bruce Shelton joined the Board by phone during this part of the meeting. Board members questioned him regarding aspects of the investigation and confirmed that he believed the scope of the investigation should be widened to include other patients that received infusions on the same day.

Board members requested that the executive director contact Dr. Olsztyn and request that he discontinue using any of the colchicine until the investigation is complete.

Dr. Rowe made a motion to widen the investigation to include other patients infused on or near the same day as E.D. Mr. Farris seconded the motion that passed unanimously.

Case No. 09-09 Linda Wright, MD, MD(H)

Board members listened to the report of the executive director and welcomed Dr. Wright who was present for the discussion. They considered an order similar to a non-disciplinary consent and order issued by the Arizona Medical Board.

Dr. Adler made a motion directing the executive director to prepare a non-disciplinary consent agreement imposing a practice limitation until Dr. Wright can return to practice at a future date. Mr. Farris seconded the motion that passed unanimously.

Roll Call to issue non-disciplinary consent to practice limitation and order. 6 – 0
Kennedy, Farris, Rowe, Adler, Grout, Ackerley

VI. Review, Consideration and Action on Rules, Legislation, Substantive Policy Statements

A. Rules

1. Chapter 38, Article 1, Section 103 through Section 115 – Status update

Mrs. Springer informed board members that the Governor's Regulatory Review Council would consider the Notice of Final Rulemaking at the Council's September, 2011 regular meeting.

She indicated a few minor changes had been requested by the rules analyst and that they would not substantially change any of the intended meanings.

2. Chapter 38, Article 2, Sections 201-206 – Status update

The executive director noted that an exemption had been approved by the Governor's staff on July 20, 2011 and that rulemaking could proceed.

Dr. Rowe requested a presentation be made to the AZHIMA to inform them of the proposed rules.

B.. Legislation

1. SB1175 Doctor of Homeopathy license – consider proposing legislation to amend A.R.S. 32-2912(B)

Dr. Rowe recused himself from this discussion.

Dr. Grout led the discussion that considered whether the Board should seek legislation to amend A.R.S. 32-2912(B), which was noted by the Governor's staff as an area of concern. Mrs. Springer explained that an applicant for the new license with actions against their professional medical license could theoretically apply. In response to a question from Drs. Grout and Ackerley, she confirmed that there are other mechanisms that would require the Board to review any actions taken by other states against a medical license. These include A.R.S. 32-2912(C). Board members discussed the information and determined no additional action was necessary. They instructed Mrs. Springer to contact the Governor's Office and explain their deliberation.

VII. Review, Consideration and Action on Professional Business

1. Correspondence from Dr. Carol Barlow, concerning the lack of an inactive fee for licensees was discussed. Board members noted that a previous discussion concerning an inactive status had been held two years ago. At that time it was determined that there were insufficient numbers of licensees to support this type of option.

Dr. Ackerley noted that an inactive fee would provide another alternative for doctors that want to maintain their license but who were not currently in active practice. There was an active discussion regarding the merits of both approaches.

The Board thanked Dr. Barlow for her comments and stated that further discussion at the next meeting should be held about all of the fees.

2. Dr. Rowe commented that his re-appointment was not yet confirmed and stated he would remain on the Board until a decision was made.

3. Board members reviewed the continuing education submitted for approval by Jeffrey Utter. Dr. Grout made a motion confirming the continued approval of Differential

Diagnosis of the Musculoskeletal System (16 hours) and Headaches and Other Head Conditions (4 hours). Dr. Adler seconded the motion that passed unanimously.

Dr. Grout made a motion approving new coursework entitled Pain Management and Palliative Care (6 hrs) and Record Keeping, Outcome Measures, Documentation, and Forms (10 hours). Her motion was seconded by Dr. Adler and passed unanimously.

4. **Protocols** submitted by Dr. Geoffrey Radoff were tabled to the next regular meeting.

5. There was considerable discussion concerning whether the Board would consider support of a legislative proposal by the Arizona Chiropractic Association to recognize the expansion of a chiropractor's scope of practice to include certification in the practice of homeopathy. Dr. Grout commented that recognition of the scope within the chiropractic profession would increase public recognition of homeopathic concepts. Dr. Adler expressed concern about the level of competency that would be brought into play by chiropractors interested in pursuing the certification.

No action was taken at this time.

VIII. Review, Consideration and Action on Other Business

Executive Director Report

1. Mrs. Springer presented a brief overview of finances as of June 30, 2011. Current cash balance is \$44,373 and 89% of the working appropriation amount of \$116,900 has been spent. The current balance in the appropriated fund is \$16,240, the majority of which will not be spent, since part of this amount had been set aside for a retirement payout. She indicated that the Board had expenses of \$102,859 as of June 30, 2011. Revenues received to date totaled \$88,364.

There was a Operating Transfer to General Fund \$2200 which represents swept cash and appropriation to help balance the state's fiscal issues.

Dr. Ackerley suggested a news article be sent with future renewals explaining the law with regard to Dispensing of drugs and devices. She commented that licensees may not fully understand the need for the permit.

IX. Call to the Public

Following an invitation from Dr. Rowe, there were no members of the public that wished to make a statement to the Board.

X. Future Agenda Items

- Dr. Lobacz final sentencing information
- Form Committees relating to rules and the examination for Homeopathic Doctors
- Fees
- Dr. Rowe – continuation of board service

XI. Future Meeting Dates

No future dates were discussed.

XII. Adjournment

The meeting adjourned at 11:55 a.m. following a motion by Dr. Grout. The motion was seconded by Mr. Farris and passed unanimously. The next Regular Meeting of the Board will convene at 1400 W. Washington, in Conference Room B-1, Phoenix, Arizona, at 9:00 a.m. on September 13, 2011.

Respectfully Submitted,

Christine Springer
Executive Director

REVIEWED AND APPROVED IN REGULAR MEETING ON 9-13-2011